

1 (As enacted by Chapter _____ (S.B. 1) of the Acts of the General Assembly of
2 2001)

3 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
4 MARYLAND, That the Laws of Maryland read as follows:

5 **Article 27 - Crimes and Punishments**

6 639.

7 (A) (1) IN THIS SECTION, "CUSTODIAL CONFINEMENT" MEANS:

8 (I) HOME DETENTION;

9 (II) A CORRECTIONS OPTIONS PROGRAM ESTABLISHED UNDER LAW
10 WHICH REQUIRES THE INDIVIDUAL TO PARTICIPATE IN HOME DETENTION,
11 INPATIENT TREATMENT, OR OTHER SIMILAR PROGRAM INVOLVING TERMS AND
12 CONDITIONS THAT CONSTITUTE THE EQUIVALENT OF CONFINEMENT; OR

13 (III) INPATIENT DRUG OR ALCOHOL TREATMENT.

14 (2) "CUSTODIAL CONFINEMENT" DOES NOT INCLUDE IMPRISONMENT.

15 [(a)] (B) (1) The courts may suspend sentence generally or for a definite
16 time, and may make such orders and impose such terms as to costs, recognizance for
17 appearance, or matters relating to the residence or conduct of the convicts as may be
18 deemed proper; and if the convict is a person under 18 years of age, the courts may
19 also make such orders as to his detention in any care or custody as may be deemed
20 proper.

21 (2) In Charles County, St. Mary's County, and Calvert County, the court
22 may impose a sentence of [confinement] IMPRISONMENT as a condition of probation.

23 (3) AS A CONDITION OF A SUSPENDED SENTENCE THE COURT MAY
24 ORDER A PERSON TO A TERM OF CUSTODIAL CONFINEMENT.

25 (4) (I) THE LENGTH OF THE TERM OF IMPRISONMENT OR CUSTODIAL
26 CONFINEMENT IMPOSED UNDER THIS SUBSECTION MAY NOT EXCEED THE
27 MAXIMUM LENGTH OF IMPRISONMENT FOR THE CRIME FOR WHICH THE PERSON
28 WAS CONVICTED.

29 (II) THIS PARAGRAPH MAY NOT BE CONSTRUED TO LIMIT A
30 COURT'S AUTHORITY TO ORDER IN THE MANNER PROVIDED BY LAW CONDITIONS OF
31 PROBATION OTHER THAN IMPRISONMENT OR CUSTODIAL CONFINEMENT THAT
32 EXCEED THE MAXIMUM LENGTH OF IMPRISONMENT FOR THE CRIME FOR WHICH
33 THE PERSON WAS CONVICTED.

34 [(b)] (C) However, when the conviction is for violation of § 21-902(a) or (b) of
35 the Transportation Article, if the court places the person on probation, it shall require,
36 as a condition of the suspension of sentence, that the person participate in an alcohol

1 treatment or education program approved by the Department of Health and Mental
2 Hygiene, unless the court finds and affirmatively states on the record that the
3 interests of the person and the people of the State do not require the imposition of this
4 condition.

5 [(c)] (D) In Prince George's County, the courts may also impose such sentences
6 as may be provided by law with respect to the offense upon which an accused has been
7 convicted and cause the convict to serve the sentence by attendance at the county
8 detention center or place of confinement under the jurisdiction of the sheriff, where
9 the sentence is to be performed during any 48-hour period, in any 7-day period, with
10 each period of confinement to constitute not less than 2 days of the sentence imposed;
11 provided, however, that the offense leading to such conviction shall permit
12 confinement in the county detention center and the total sentence imposed by the
13 judge may not exceed 30 2-day periods of confinement.

14 [(d)] (E) When the conviction is for violation of any provision of §§ 276 through
15 303 of this article, if the court places the person on probation, it shall require, as a
16 condition of the suspension of sentence, that the person participate in a drug
17 treatment or education program approved by the Department of Health and Mental
18 Hygiene, unless the court finds and affirmatively states on the record that the
19 interests of the person and the people of the State do not require the imposition of this
20 condition.

21 (F) IF AN INDIVIDUAL VIOLATES THE TERMS OF PROBATION, ANY TIME
22 SERVED BY THE INDIVIDUAL IN IMPRISONMENT OR CUSTODIAL CONFINEMENT
23 SHALL BE CREDITED AGAINST ANY SENTENCE OF INCARCERATION IMPOSED BY THE
24 COURT.

25 641.

26 (A) (1) IN THIS SECTION, "CUSTODIAL CONFINEMENT" MEANS:

27 (I) HOME DETENTION;

28 (II) A CORRECTIONS OPTIONS PROGRAM ESTABLISHED UNDER LAW
29 WHICH REQUIRES THE INDIVIDUAL TO PARTICIPATE IN HOME DETENTION,
30 INPATIENT TREATMENT, OR OTHER SIMILAR PROGRAM INVOLVING TERMS AND
31 CONDITIONS THAT CONSTITUTE THE EQUIVALENT OF CONFINEMENT; OR

32 (III) INPATIENT DRUG OR ALCOHOL TREATMENT.

33 (2) "CUSTODIAL CONFINEMENT" DOES NOT INCLUDE IMPRISONMENT.

34 [(a)] (B) (1) (i) 1. Whenever a person accused of a crime pleads guilty or
35 nolo contendere or is found guilty of an offense, a court exercising criminal
36 jurisdiction, if satisfied that the best interests of the person and the welfare of the
37 people of the State would be served thereby, and with the written consent of the
38 person after determination of guilt or acceptance of a nolo contendere plea, may stay
39 the entering of judgment, defer further proceedings, and place the person on
40 probation subject to reasonable terms and conditions as appropriate. The terms and

1 (2) Notwithstanding paragraph (1) of this subsection, a court may not
2 stay the entering of judgment and place a person on probation for a violation of any
3 provision of § 21-902 of the Transportation Article if the person has been convicted
4 under, or has been placed on probation under this section after being charged with a
5 violation of, § 21-902 of the Transportation Article within the preceding 5 years.

6 (3) Notwithstanding paragraph (1) of this subsection, a court may not
7 stay the entering of judgment and place a person on probation for a second or
8 subsequent controlled dangerous substance offense under §§ 276 through 303 of this
9 article.

10 (4) Notwithstanding paragraph (1) of this subsection, a court may not
11 stay the entering of judgment and place a person on probation for a violation of any of
12 the provisions of §§ 462 through 464B of this article for an offense involving a person
13 under the age of 16 years.

14 (5) By consenting to and receiving a stay of entering of the judgment as
15 provided by this subsection, the person waives the right to appeal from the judgment
16 of guilt by the court at any time. Prior to the person consenting to the stay of entering
17 of the judgment, the court shall notify the person that by consenting to and receiving
18 a stay of entry of judgment, the person waives the right to appeal from the judgment
19 of guilt by the court at any time.

20 [(b)] (C) (1) Upon violation of a term or condition of probation, the court
21 may enter judgment and proceed with disposition of the person as if the person had
22 not been placed on probation.

23 (2) IF AN INDIVIDUAL VIOLATES A TERM OR CONDITION OF PROBATION,
24 ANY TIME SERVED BY THE INDIVIDUAL IN IMPRISONMENT OR CUSTODIAL
25 CONFINEMENT SHALL BE CREDITED AGAINST ANY SENTENCE OF INCARCERATION
26 IMPOSED BY THE COURT.

27 [(c)] (D) Upon fulfillment of the terms and conditions of probation, the court
28 shall discharge the person from probation. The discharge is final disposition of the
29 matter. Discharge of a person under this section shall be without judgment of
30 conviction and is not a conviction for purposes of any disqualification or disability
31 imposed by law because of conviction of crime.

32 641A.

33 (A) (1) IN THIS SECTION, "CUSTODIAL CONFINEMENT" MEANS:

34 (I) HOME DETENTION;

35 (II) A CORRECTIONS OPTIONS PROGRAM ESTABLISHED UNDER LAW
36 WHICH REQUIRES THE INDIVIDUAL TO PARTICIPATE IN HOME DETENTION,
37 INPATIENT TREATMENT, OR OTHER SIMILAR PROGRAM INVOLVING TERMS AND
38 CONDITIONS THAT CONSTITUTE THE EQUIVALENT OF CONFINEMENT; OR

39 (III) INPATIENT DRUG OR ALCOHOL TREATMENT.

1 (2) "CUSTODIAL CONFINEMENT" DOES NOT INCLUDE IMPRISONMENT.

2 [(a)] (B) (1) Upon entering a judgment of conviction, the court having
3 jurisdiction may suspend the imposition or execution of sentence and place the
4 defendant on probation upon such terms and conditions as the court deems proper.

5 (2) In Charles County, St. Mary's County, Cecil County, Harford County,
6 and Calvert County, the court may impose as a condition of probation a sentence of
7 [confinement] IMPRISONMENT.

8 (3) [The] EXCEPT AS PROVIDED IN PARAGRAPHS (4), (5), AND (6) OF THIS
9 SUBSECTION, THE court may impose a sentence for a specified period and provide
10 that a lesser period be served in confinement, suspend the remainder of the sentence
11 and grant probation for a period longer than the sentence but not in excess of 5 years.

12 (4) AS A CONDITION OF PROBATION THE COURT MAY ORDER A
13 DEFENDANT TO A TERM OF CUSTODIAL CONFINEMENT.

14 (5) (I) THE LENGTH OF THE TERM OF IMPRISONMENT OR CUSTODIAL
15 CONFINEMENT IMPOSED UNDER THIS SUBSECTION MAY NOT EXCEED THE
16 MAXIMUM LENGTH OF IMPRISONMENT FOR THE CRIME FOR WHICH THE PERSON
17 WAS CONVICTED.

18 (II) THIS PARAGRAPH MAY NOT BE CONSTRUED TO LIMIT A
19 COURT'S AUTHORITY TO ORDER IN THE MANNER PROVIDED BY LAW CONDITIONS OF
20 PROBATION OTHER THAN IMPRISONMENT OR CUSTODIAL CONFINEMENT THAT
21 EXCEED THE MAXIMUM LENGTH OF IMPRISONMENT FOR THE CRIME FOR WHICH
22 THE PERSON WAS CONVICTED.

23 [(4)] (6) However, if the defendant consents in writing, the court may
24 grant probation in excess of 5 years, but only for purposes of making restitution.

25 [(b)] (C) Probation may be granted whether the offense is punishable by fine
26 or imprisonment or both. If the offense is punishable by both fine and imprisonment,
27 the court may impose a fine and place the defendant on probation as to the
28 imprisonment. Probation may be limited to one or more counts or indictments, but, in
29 the absence of express limitation, shall extend to the entire sentence and judgment.
30 The court may revoke or modify any condition of probation or may reduce the period
31 of probation.

32 [(c)] (D) If a sentence of imprisonment is imposed, a portion of it is suspended,
33 and the defendant is placed on probation, the court may impose as a condition of
34 probation that the probation commence on the date the defendant is actually released
35 from imprisonment.

36 [(d)] (E) When the probation granted is for violation of any provision of §§ 276
37 through 303 of this article, if the court places the person on probation, it shall require,
38 as a condition of the suspension of sentence, that the person participate in a drug
39 treatment or education program approved by the Department of Health and Mental
40 Hygiene, unless the court finds and affirmatively states on the record that the

1 interests of the person and the people of the State do not require the imposition of this
2 condition.

3 (F) IF AN INDIVIDUAL VIOLATES THE TERMS OF PROBATION, ANY TIME
4 SERVED BY THE INDIVIDUAL IN IMPRISONMENT OR CUSTODIAL CONFINEMENT
5 SHALL BE CREDITED AGAINST ANY SENTENCE OF INCARCERATION IMPOSED BY THE
6 COURT.

7 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
8 read as follows:

9 **Article - Criminal Procedure**

10 6-219.

11 (a) (1) IN THIS SECTION, "CUSTODIAL CONFINEMENT" MEANS:

12 (I) HOME DETENTION;

13 (II) A CORRECTIONS OPTIONS PROGRAM ESTABLISHED UNDER LAW
14 WHICH REQUIRES THE INDIVIDUAL TO PARTICIPATE IN HOME DETENTION,
15 INPATIENT TREATMENT, OR OTHER SIMILAR PROGRAM INVOLVING TERMS AND
16 CONDITIONS THAT CONSTITUTE THE EQUIVALENT OF CONFINEMENT; OR

17 (III) INPATIENT DRUG OR ALCOHOL TREATMENT.

18 (2) "CUSTODIAL CONFINEMENT" DOES NOT INCLUDE IMPRISONMENT.

19 (B) Subject to subsection [(b)] (C) of this section, a court:

20 (1) may suspend a sentence generally or for a definite time;

21 (2) may pass orders and impose terms as to costs, recognizance for
22 appearance, or matters relating to the residence or conduct of the defendant who is
23 convicted as may be deemed proper; [or]

24 (3) if the defendant who is convicted is under 18 years of age, may order
25 confinement in any care or custody as may be deemed proper; OR

26 (4) MAY ORDER A PERSON TO A TERM OF CUSTODIAL CONFINEMENT AS
27 A CONDITION OF A SUSPENDED SENTENCE.

28 [(b)] (C) (1) If the court places on probation a defendant who has been
29 convicted of a violation of § 21-902(a) or (b) of the Transportation Article, the court
30 shall require as a condition that the defendant participate in an alcohol treatment or
31 education program approved by the Department of Health and Mental Hygiene,
32 unless the court finds and states on the record that the interests of the defendant and
33 the public do not require the imposition of this condition.

1 (2) If the court places on probation a defendant who has been convicted
2 of a violation of any provision of Article 27, §§ 276 through 303 of the Code, the court
3 shall require as a condition that the defendant participate in a drug treatment or
4 education program approved by the Department of Health and Mental Hygiene,
5 unless the court finds and states on the record that the interests of the defendant and
6 the public do not require the imposition of this condition.

7 [(c)] (D) (1) In Calvert County, Charles County, and St. Mary's County, the
8 court may impose a sentence of [confinement] IMPRISONMENT as a condition of
9 probation.

10 (2) In Prince George's County, the court on conviction may sentence a
11 defendant to the local correctional facility or place of confinement under the
12 jurisdiction of the sheriff, if:

13 (i) the sentence is to be performed during any 48-hour period in a
14 7-day period, with each period of confinement to be not less than 2 days of the
15 sentence imposed;

16 (ii) the crime leading to the conviction allows confinement in the
17 local correctional facility; and

18 (iii) the total sentence does not exceed 30 two-day periods of
19 confinement.

20 (E) (1) THE LENGTH OF THE TERM OF IMPRISONMENT OR CUSTODIAL
21 CONFINEMENT IMPOSED UNDER THIS SECTION MAY NOT EXCEED THE MAXIMUM
22 LENGTH OF IMPRISONMENT FOR THE CRIME FOR WHICH THE PERSON WAS
23 CONVICTED.

24 (2) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT A COURT'S
25 AUTHORITY TO ORDER IN THE MANNER PROVIDED BY LAW CONDITIONS OF
26 PROBATION OTHER THAN IMPRISONMENT OR CUSTODIAL CONFINEMENT THAT
27 EXCEED THE MAXIMUM LENGTH OF IMPRISONMENT FOR THE CRIME FOR WHICH
28 THE PERSON WAS CONVICTED.

29 (3) IF AN INDIVIDUAL VIOLATES THE TERMS OF PROBATION, ANY TIME
30 SERVED BY THE INDIVIDUAL IN IMPRISONMENT OR CUSTODIAL CONFINEMENT
31 SHALL BE CREDITED AGAINST ANY SENTENCE OF INCARCERATION IMPOSED BY THE
32 COURT.

33 6-220.

34 (a) (1) IN THIS SECTION, "CUSTODIAL CONFINEMENT" MEANS:

35 (I) HOME DETENTION;

36 (II) A CORRECTIONS OPTIONS PROGRAM ESTABLISHED UNDER LAW
37 WHICH REQUIRES THE INDIVIDUAL TO PARTICIPATE IN HOME DETENTION,

1 INPATIENT TREATMENT, OR OTHER SIMILAR PROGRAM INVOLVING TERMS AND
2 CONDITIONS THAT CONSTITUTE THE EQUIVALENT OF CONFINEMENT; OR

3 (III) INPATIENT DRUG OR ALCOHOL TREATMENT.

4 (2) "CUSTODIAL CONFINEMENT" DOES NOT INCLUDE IMPRISONMENT.

5 (B) (1) When a defendant pleads guilty or nolo contendere or is found guilty
6 of a crime, a court may stay the entering of judgment, defer further proceedings, and
7 place the defendant on probation subject to reasonable conditions if:

8 (i) the court is satisfied that the best interests of the defendant
9 and the public welfare would be served; and

10 (ii) the defendant gives written consent after determination of guilt
11 or acceptance of a nolo contendere plea.

12 (2) Subject to paragraphs (3) and (4) of this subsection, the conditions
13 may include an order that the defendant:

14 (i) pay a fine or monetary penalty to the State or make restitution;
15 or

16 (ii) participate in a rehabilitation program, the parks program, or a
17 voluntary hospital program.

18 (3) Before the court orders a fine, monetary penalty, or restitution, the
19 defendant is entitled to notice and a hearing to determine the amount of the fine,
20 monetary penalty, or restitution, what payment will be required, and how payment
21 will be made.

22 (4) Any fine or monetary penalty imposed as a condition of probation
23 shall be within the amount set by law for a violation resulting in conviction.

24 (5) AS A CONDITION OF PROBATION, THE COURT MAY ORDER A PERSON
25 TO A TERM OF CUSTODIAL CONFINEMENT.

26 [(b)] (C) (1) When the crime for which the judgment is being stayed is for a
27 violation of § 21-902 of the Transportation Article, the court shall impose a period of
28 probation and, as a condition of the probation:

29 (i) shall require the defendant to participate in an alcohol
30 treatment or education program approved by the Department of Health and Mental
31 Hygiene, unless the court finds and states on the record that the interests of the
32 defendant and the public do not require the imposition of this condition; and

33 (ii) may prohibit the defendant from operating a motor vehicle
34 unless the motor vehicle is equipped with an ignition interlock system under § 27-107
35 of the Transportation Article.

1 (2) When the crime for which the judgment is being stayed is for a
2 violation of any provision of Article 27, §§ 276 through 303 of the Code, the court shall
3 impose a period of probation and, as a condition of probation, require the defendant to
4 participate in a drug treatment or education program approved by the Department of
5 Health and Mental Hygiene, unless the court finds and states on the record that the
6 interests of the defendant and the public do not require the imposition of this
7 condition.

8 [(c)] (D) Notwithstanding subsections [(a)] (B) and [(b)] (C) of this section, a
9 court may not stay the entering of judgment and place a defendant on probation for:

10 (1) a violation of § 21-902 of the Transportation Article, if within the
11 preceding 5 years the defendant has been convicted under or has been placed on
12 probation under that section after being charged with a violation of § 21-902 of the
13 Transportation Article;

14 (2) a second or subsequent controlled dangerous substance crime under
15 Article 27, §§ 276 through 303 of the Code; or

16 (3) a violation of any of the provisions of Article 27, §§ 462 through 464B
17 of the Code for a crime involving a person under the age of 16 years.

18 [(d)] (E) (1) By consenting to and receiving a stay of entering of the
19 judgment as provided by subsections [(a)] (B) and [(b)] (C) of this section, the
20 defendant waives the right to appeal at any time from the judgment of guilt.

21 (2) Before granting a stay, the court shall notify the defendant of the
22 consequences of consenting to and receiving a stay of entry of judgment under
23 paragraph (1) of this subsection.

24 [(e)] (F) On violation of a condition of probation, the court may enter
25 judgment and proceed as if the defendant had not been placed on probation.

26 [(f)] (G) (1) On fulfillment of the conditions of probation, the court shall
27 discharge the defendant from probation.

28 (2) The discharge is a final disposition of the matter.

29 (3) Discharge of a defendant under this section shall be without
30 judgment of conviction and is not a conviction for the purpose of any disqualification
31 or disability imposed by law because of conviction of a crime.

32 [(g)] (H) In Allegany County, Calvert County, Charles County, Garrett County,
33 Howard County, and St. Mary's County, the court may impose a sentence of
34 ~~confinement~~ IMPRISONMENT as a condition of probation.

35 (I) (1) THE LENGTH OF THE TERM OF IMPRISONMENT OR CUSTODIAL
36 CONFINEMENT IMPOSED UNDER THIS SECTION MAY NOT EXCEED THE MAXIMUM
37 LENGTH OF IMPRISONMENT FOR THE CRIME FOR WHICH THE PERSON WAS
38 CONVICTED.

1 (2) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT A COURT'S
2 AUTHORITY TO ORDER IN THE MANNER PROVIDED BY LAW CONDITIONS OF
3 PROBATION OTHER THAN IMPRISONMENT OR CUSTODIAL CONFINEMENT THAT
4 EXCEED THE MAXIMUM LENGTH OF IMPRISONMENT FOR THE CRIME FOR WHICH
5 THE PERSON WAS CONVICTED.

6 (3) IF AN INDIVIDUAL VIOLATES THE TERMS OF PROBATION, ANY TIME
7 SERVED BY THE INDIVIDUAL IN IMPRISONMENT OR CUSTODIAL CONFINEMENT
8 SHALL BE CREDITED AGAINST ANY SENTENCE OF INCARCERATION IMPOSED BY THE
9 COURT.

10 6-225.

11 (a) (1) IN THIS SECTION, "CUSTODIAL CONFINEMENT" MEANS:

12 (I) HOME DETENTION;

13 (II) A CORRECTIONS OPTIONS PROGRAM ESTABLISHED UNDER LAW
14 WHICH REQUIRES THE INDIVIDUAL TO PARTICIPATE IN HOME DETENTION,
15 INPATIENT TREATMENT, OR OTHER SIMILAR PROGRAM INVOLVING TERMS AND
16 CONDITIONS THAT CONSTITUTE THE EQUIVALENT OF CONFINEMENT; OR

17 (III) INPATIENT DRUG OR ALCOHOL TREATMENT.

18 (2) "CUSTODIAL CONFINEMENT" DOES NOT INCLUDE IMPRISONMENT.

19 (B) (1) (i) Probation may be granted whether the crime is punishable by
20 fine or imprisonment or both.

21 (ii) If the crime is punishable by both fine and imprisonment, the
22 court may impose a fine and place the defendant on probation as to the imprisonment.

23 (iii) Probation may be limited to one or more counts or indictments
24 but, in the absence of express limitation, extends to the entire sentence and judgment.

25 (iv) The court may revoke or modify a condition of probation or may
26 reduce the period of probation.

27 (V) AS A CONDITION OF PROBATION, THE COURT MAY ORDER A
28 DEFENDANT TO A TERM OF CUSTODIAL CONFINEMENT.

29 (2) If a sentence of imprisonment is imposed and a part of it is suspended
30 with the defendant placed on probation, the court may impose as a condition of
31 probation that the probation begin on the day the defendant is released from
32 imprisonment.

33 [(b)] (C) If the court places on probation a defendant who has been convicted
34 of a violation of any provision of Article 27, §§ 276 through 303 of the Code, the court
35 shall require as a condition that the defendant participate in a drug treatment or
36 education program approved by the Department of Health and Mental Hygiene,

1 unless the court finds and states on the record that the interests of the defendant and
2 the public do not require the imposition of this condition.

3 [(c)] (D) In Calvert County, Cecil County, Charles County, Harford County,
4 and St. Mary's County, the court may impose a sentence of ~~confinement~~
5 IMPRISONMENT as a condition of probation.

6 (E) (1) THE LENGTH OF THE TERM OF IMPRISONMENT OR CUSTODIAL
7 CONFINEMENT IMPOSED UNDER THIS SECTION MAY NOT EXCEED THE MAXIMUM
8 LENGTH OF IMPRISONMENT FOR THE CRIME FOR WHICH THE PERSON WAS
9 CONVICTED.

10 (2) THIS SUBSECTION MAY NOT BE CONSTRUED TO LIMIT A COURT'S
11 AUTHORITY TO ORDER IN THE MANNER PROVIDED BY LAW CONDITIONS OF
12 PROBATION OTHER THAN IMPRISONMENT OR CUSTODIAL CONFINEMENT THAT
13 EXCEED THE MAXIMUM LENGTH OF IMPRISONMENT FOR THE CRIME FOR WHICH
14 THE PERSON WAS CONVICTED.

15 (3) IF AN INDIVIDUAL VIOLATES THE TERMS OF PROBATION, ANY TIME
16 SERVED BY THE INDIVIDUAL IN IMPRISONMENT OR CUSTODIAL CONFINEMENT
17 SHALL BE CREDITED AGAINST ANY SENTENCE OF INCARCERATION IMPOSED BY THE
18 COURT.

19 SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act is an
20 emergency measure, is necessary for the immediate preservation of the public health
21 and safety, has been passed by a yea and nay vote supported by three-fifths of all the
22 members elected to each of the two Houses of the General Assembly, and Section 1 of
23 this Act shall take effect from the date it is enacted. It shall remain effective until the
24 taking effect of Section 2 of this Act. If Section 2 of this Act takes effect, Section 1 of
25 this Act shall be abrogated and of no further force and effect.

26 SECTION 4. AND BE IT FURTHER ENACTED, That, subject to the provisions
27 of Section 3 of this Act, this Act shall take effect October 1, 2001.